

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: William O. Camp, Jr.
Application No.: 10/809,179
Filed: March 25, 2004

Group Art Unit: 2617
Confirmation No.: 6824
Examiner: Matthew C. Sams

For: **HAND-HELD ELECTRONIC DEVICES CONFIGURED TO PROVIDE
IMAGE DATA IN AN INTERNET PROTOCOL FORMAT AND RELATED
DISPLAY DEVICES AND METHODS**

Date: July 24, 2007

Mail Stop Appeal-Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

Sir:

This Appeal Brief is filed pursuant to the "Notice of Panel Decision from Pre-Appeal Brief" review mailed July 10, 2007 and the "Notice of Appeal to the Board of Patent Appeals and Interferences" mailed April 24, 2007.

Real Party In Interest

The real party in interest is assignee Sony Ericsson Mobile Communications AB, a corporation organized under the laws of Sweden having a principal place of business at Lund, Sweden.

Related Appeals and Interferences

Appellant is aware of no appeals or interferences that would be affected by the present appeal.

Status of Claims

Appellant appeals the final rejection of Claims 1, 3-16 and 18-38 (as presented in the amendment of November 2, 2006), which as of the filing date of this Brief remain under consideration. Claims 1, 3-16 and 18-38 are rejected. The attached Appendix A presents the

claims at issue as finally rejected in the Final Office Action of January 25, 2007 (hereinafter "Final Action") and the Advisory Action of April 18, 2007 (hereinafter "Advisory Action").

Status of Amendments

The attached Appendix A presents the pending claims (as presented in the amendment of November 2, 2006) and each of the pending claims corresponding status. All amendments in the present case have been entered.

Summary of the Claimed Subject Matter

The present application includes Independent Claims 1, 10, 16 and 25. The claims are device and method claims. Claim 1 is directed to a handheld electronic device 101. As recited in Claim 1, the device 101 includes memory 123 configured to store image data and a transmitter 119 configured to provide a wireless link 125 with a remote electronic display 103. *See, e.g.*, Specification, p. 5, lines 13-16; Figure 1. The device 101 also includes a controller 111 coupled to the memory 123 and to the transmitter 119 such that the controller 111 is configured to provide the image data in an Internet protocol format and the transmitter 119 is configured to transmit the image data over the wireless link 125 in the Internet protocol format. *See, e.g.*, Specification, p. 7, lines 11-17; Figure 1. The device 101 further includes a user interface 113 coupled to the controller 111 such that the user interface 113 is configured to accept user input of pointer commands and the controller 111 and transmitter 119 are configured to transmit the pointer commands over the wireless link 125 to the remote electronic display 103. *See, e.g.*, Specification, p. 8, lines 6-10; Figure 1.

Independent Claim 10 is directed to an electronic display device 103. As recited in Claim 10, the device 103 may include a display 131 configured to display electronic data. *See, e.g.*, Specification, p. 6, lines 13-17; Figure 1. The device 103 may also include an Internet protocol browser 133 configured to receive image data and pointer commands from a hand-held electronic device 101 without a wire coupling to the hand-held electronic device 101 such that the image data is received at the Internet protocol browser 133 in an Internet protocol format. The Internet protocol browser 133 is configured to provide the image data visually using the display 131 responsive to the pointer commands from the hand-held electronic device 101. *See, e.g.*, Specification, p. 6, lines 13-23 and lines 27-29; Figure 1.

Independent Claim 16 is directed to methods for providing a visual presentation using a hand-held electronic device 101. As recited in Claim 16, image data is stored within the hand-held electronic device 101 and provided in an Internet protocol format. *See, e.g.*, Specification, p. 7, lines 11-14; Figure 1. The image data is transmitted over a wireless link 125 to a remote electronic display 103 in an Internet protocol format. *See, e.g.*, Specification, p. 7, lines 11-14; Figure 1. A user input of pointer commands is accepted and the pointer commands are transmitted over a wireless link 125 to the remote electronic display 103. *See, e.g.*, Specification, p. 7, lines 24-32; Figure 1.

Independent Claim 25 is directed to methods for operating an electronic display device 103. As recited in Claim 25, image data and pointer commands are received from a hand-held electronic device 101 without a wired coupling to a hand-held electronic device 101 such that the image data is received in Internet protocol format. *See, e.g.*, Specification, p. 3, lines 11-15; Figure 1. The image data is provided visually in response to the pointer commands. *See, e.g.*, Specification, p. 3, line 15; Figure 1.

Grounds of Rejection to Be Reviewed on Appeal

1. Claims 1, 3-9, 16, 18-24, 31, 32, 35 and 36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Published Patent Publication No. 2003/0054794 to Zhang ("Zhang").

2. Claims 10-15, 25-30, 33, 34, 37 and 38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Published Patent Publication No. 2001/0054114 to DuVal *et al.* ("DuVal").

Argument

I. Introduction

Under 35 U.S.C. § 102, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (quoting *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). "Anticipation under 35 U.S.C. § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Apple Computer Inc. v. Articulate Sys. Inc.*, 57 U.S.P.Q.2d 1057, 1061 (Fed. Cir. 2000).

A finding of anticipation further requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. *See Scripps Clinic & Research Foundation v. Genentech Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). In particular, the Court of Appeals for the Federal Circuit held that a finding of anticipation requires absolute identity for each and every element set forth in the claimed invention. *See Trintec Indus. Inc. v. Top-U.S.A. Corp.*, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002). Additionally, the cited prior art reference must be enabling, thereby placing the allegedly disclosed matter in the possession of the public. *In re Brown*, 329 F.2d 1006, 1011, 141 U.S.P.Q. 245, 249 (C.C.P.A. 1964). Thus, the prior art reference must adequately describe the claimed invention so that a person of ordinary skill in the art could make and use the invention.

Appellant respectfully submits that the pending claims are patentable over the cited references because the cited references fail to disclose or suggest the recitations of the pending claims.

II. The Section 102 Rejections of Independent Claims 1, 10, 16 and 25

A. Independent Claims 1 and 16 Are Patentable

As stated above, independent Claims 1 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Zhang. Appellant respectfully submits that many of the recitations of these claims are neither disclosed nor suggested by Zhang for at least the reasons discussed below.

Independent Claim 1 recites:

A hand-held electronic device comprising:
memory configured to store image data within the hand-held electronic device;
a transmitter configured to provide a wireless link with a remote electronic display;
a controller coupled to the memory and to the transmitter wherein the controller is configured to provide the image data in an Internet protocol format and wherein the transmitter is configured to transmit the image data over the wireless link in the Internet protocol format; and
a user interface coupled to the controller wherein *the user interface is configured to accept user input of pointer commands* and wherein the *controller and transmitter are configured to transmit the pointer commands* over the wireless link to the remote electronic display.

(*Emphasis added.*) Independent Claim 16 includes similar recitations. Appellant submits that at least the highlighted portions of Claim 1 are not disclosed or suggested by Zhang.

The Final Action states that Zhang teaches:

a user interface coupled to the controller wherein the user interface is configured to accept user input of pointer commands and wherein the controller and transmitter are configured to transmit the pointer commands over the wireless link to the remote electronic display. (Page 2, [0027-0032] and Page 5 [0061-0062])

(Final Action, page 5). Appellant respectfully disagrees with this interpretation of Zhang's teachings. Zhang describes that a "helper server returns a remote control interface description to the handheld device," which then "builds a Graphical User Interface (GUI) from the interface description and remotely controls the task on the helper server, according to user interaction with the handheld device." Zhang, paragraph 0032. "The description contains graphical interface representations such as buttons and menus as well as user interactions such as "sending a page down" message if a specific button is pressed." Zhang, paragraph 0061. A simple graphical interface can include control buttons such as "play," "pause" and "fast forward." Zhang, paragraph 0062. The application specific interfaces are stored on the helper servers and not in the handheld device. Zhang, paragraph 0063. Zhang appears to provide for user interfaces accessible in the handheld device that are specific to and provided by the helper server.

In response to Appellant's arguments, the Final Action states that:

The Appellant's definition of pointer commands is that they "may be generated by the controller 111 responsive to user input through a joy stick, directional key, touch sensitive pad, touch sensitive display, dial, etc. of the user interface 113." (Page 8 [1-13]) Although Zhang does not use the language of a "pointer commands", Zhang teaches the equivalent being an "application specific control interface" containing "graphical interface representations such as buttons and menus" (Page 5 [0061]) and specifically a graphical interface with control buttons such as "play", "pause" and "fast forward"" (e.g. "pointer commands") "will result in the server receiving the control command and subsequently taking proper actions." (Fig. 6 and Page 5 [0062]).

(Final Action, page 2). As an initial matter, Appellant notes that the Final Action admits that Zhang does not use pointer commands, but alleges that the equivalent is an application specific control interface containing buttons and menus. The equivalence asserted

by the Final Action appears to rely on the concept that a control function is performed using the buttons and menus. (Final Action, page 2). Appellant submits that the Final Action erroneously cites language regarding how a pointer command may be generated as defining a pointer command. In contrast, a pointer, which is a component of a graphical user interface, is a graphical image that indicates the location of a pointing device that can be used to select and move objects or commands. In this regard, a pointer command is a command corresponding to a location of a graphical pointing device. Appellant respectfully submits that although other graphical user interface components may be generated by a controller responsive to a user input, such components are not necessarily pointer commands or equivalents thereof. Thus, the Final Action does not properly recognize that a definition of a pointer and corresponding command are distinguishable from how a pointer command is generated.

Additionally, the reason Zhang does not use the language "pointer command" is because the user interface discussed in Zhang does not feature a pointer or a corresponding command. A pointer is visually and functionally distinguishable over the control buttons and menus described by Zhang in that the graphical image of a pointer is dynamic and thus moves, responsive to user input, to select objects and/or commands. In response to Appellant's remarks regarding the difference between a pointer and control buttons and menus, the Advisory Action does not disagree, but states that the Appellant is not claiming a pointer, but a pointer command. (Advisory Action, page 2). Appellant respectfully submits that a pointer command is necessarily distinctive from control buttons and menus by virtue of the differences between pointers and control buttons and menus.

The Final Action incorrectly states that the buttons and menus disclosed by Zhang are equivalent to a pointer command. Appellant respectfully points out that in contrast a dynamic pointer and the corresponding commands, the buttons and menus are not dynamic and thus do not function in the same way with the same result. For example, Appellant notes that control buttons and/or menus **may be used, accessed and/or selected by a pointer** in some graphical user interfaces. For at least these reasons, the buttons and menus described in Zhang cannot be equivalent to a pointer or corresponding pointer commands.

Moreover, even if pointer commands are used by Zhang to select or manipulate "buttons", nothing in Zhang teaches or suggests to transmit pointer commands over a wireless

link to a remote electronic display, as recited in Claim 1. In contrast, Zhang appears to teach away from such transmission because the remote control is accomplished by transmitting the remote control interface description to the handheld device, which then builds a graphical user interface from the interface description. Zhang, paragraph 0032.

Thus, in sharp contrast to the recitations of independent Claims 1 and 16, Zhang does not appear to include any disclosure related to a user interface coupled to the controller wherein the user interface is configured to *accept user input of pointer commands* and wherein the controller and transmitter are configured to *transmit the pointer commands* over the wireless link to the remote electronic display. Accordingly, Appellant submits that independent Claims 1 and 16 and the claims that depend therefrom are in condition for allowance, which is respectfully requested in due course. For at least these reasons, Appellant requests that rejection of Claims 1, 3-9, 16, 18-24, 31, 32, 35 and 36 be reversed.

B. Independent Claims 10 and 25 Are Patentable

As stated above, Independent Claims 10 and 25 stand rejected as anticipated by DuVal. Appellant respectfully submits that many of the recitations of these claims are neither disclosed nor suggested by DuVal for at least the reasons discussed below. For example, Claim 10 recites:

An electronic display device comprising:
a display configured to display electronic data;
an Internet protocol browser, wherein the Internet protocol browser is configured to *receive image data and pointer commands* from a hand-held electronic device without a wired coupling to the hand-held electronic device, wherein the image data is received at the Internet protocol browser in an Internet protocol format, and wherein the Internet protocol browser is configured to provide the image data visually using the display *responsive to the pointer commands* from the hand-held electronic device.

(*Emphasis added.*) Independent Claim 25 includes similar recitations. Appellant submits that at least the highlighted portions of, for example, Claim 10 are neither disclosed nor suggested by DuVal.

In rejecting claims 10 and 25, the Final Action states that:

DuVall teaches an electronic display device (Fig. 1[10] and Page 1[0009] comprising a display configured to display electronic data (Page 1 [0008-0010], an Internet protocol browser, wherein the Internet protocol browser is configured to receive image data and pointer commands from a handheld electronic device

without a wired coupling to the handheld electronic device, wherein the image data is received at the Internet protocol browser in an Internet protocol format, and wherein the Internet protocol browser is configured to provide the image data visually using the display responsive to the pointer commands from the handheld electronic device. (Page 1, [0005, 0008-0012] and Page 2 [0015-0019])

(Final Action, pages 6-7). Appellant respectfully disagrees with this interpretation of DuVal's teachings. DuVal describes that:

an internet access device 11 can be used to interrogate display device 10 to determine its control commands, and to generate an appropriate user interface. In this manner, the internet access device 11, in addition to controls integrated into the display device 10, can be used for user control.

DuVal, paragraph 0016. Additionally, "[d]isplay device 10 might also have various user interface features, although a feature of the invention is that internet access device 11 can be used to generate commands that control the operations of the display device 10." DuVal, paragraph 0017. Generally, Duval appears to provide for the generation of a user interface in the internet access device for controlling the display device.

Thus, in sharp contrast to the recitations of independent Claims 10 and 25, DuVal does not appear to include any disclosure related to an electronic display device having an Internet browser configured to receive image data and *pointer commands* from a hand-held electronic device...wherein the Internet protocol browser is configured to provide the image data visually using the display *responsive to the pointer commands* from the hand-held electronic device.

In response to Appellant's arguments, the Final Action parrots the "definition" of pointer command discussed above regarding Claim 1 and states that:

DuVal teaches the equivalent 'using XML commands, internet access device 11 can be used to interrogate display device 10 (Typo in DuVal) to determine its control commands, and to generate an appropriate user interface. In this manner, internet access device 11, in addition to controls integrated into the display device 10, can be used for user control.

(Final Action, page 3). Appellant respectfully submits that, in contrast with pointer commands, which are commands corresponding to a graphically dynamic user interface feature, XML is a type of programming language called a mark-up language. In contrast with a pointer, a mark-up language combines text and extra information about the text. Extra information about the text's structure or presentation, is expressed using markup, which is

intermingled with the primary text. The Final Action incorrectly states that XML commands as disclosed by DuVal are equivalent to a pointer command. Appellant respectfully points out that in contrast a dynamic pointer and the corresponding commands, the XML commands are text based and thus do not function in the same way with the same result.

Thus, in sharp contrast to the recitations of independent Claims 10 and 25, DuVal does not appear to include any disclosure related to an Internet protocol browser ... configured to receive image data and *pointer commands* from a hand-held electronic device ... and wherein the Internet protocol browser is configured to provide the image data visually using the display *responsive to the pointer commands* from the hand-held electronic device. Accordingly, Appellant submits that independent Claims 10 and 25 and the claims that depend therefrom are in condition for allowance, which is respectfully requested in due course. For at least these reasons, Appellant requests that rejection of Claims 10-15, 25-30, 33, 34, 37 and 38 be reversed.

III. Conclusion

In light of the above, Appellant requests reversal of the rejections of the claims, allowance of the claims and passing of the application to issue.

It is not believed that an extension of time and/or additional fee(s) are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 50-0220.

Respectfully submitted,



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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on July 24, 2007



Michele P. McMahan
Date of Signature: July 24, 2007

APPENDIX A

1. (Previously Presented) A hand-held electronic device comprising:
memory configured to store image data within the hand-held electronic device;
a transmitter configured to provide a wireless link with a remote electronic display;
a controller coupled to the memory and to the transmitter wherein the controller is configured to provide the image data in an Internet protocol format and wherein the transmitter is configured to transmit the image data over the wireless link in the Internet protocol format; and

a user interface coupled to the controller wherein the user interface is configured to accept user input of pointer commands and wherein the controller and transmitter are configured to transmit the pointer commands over the wireless link to the remote electronic display.

2. (Canceled)

3. (Previously Presented) A hand-held electronic device according to Claim 1 wherein the pointer commands are transmitted in the Internet protocol format.

4. (Previously Presented) A hand-held electronic device according to Claim 1 wherein the pointer commands are transmitted in a format other than the Internet protocol format.

5. (Original) A hand-held electronic device according to Claim 1 wherein the transmitter comprises a short range transmitter, the hand-held electronic device further comprising a long range transceiver configured to provide long-range communications.

6. (Original) A hand-held electronic device according to Claim 1 wherein the transmitter is configured to provide a wireless link according to at least one of a WiFi

standard, a BlueTooth standard, and/or an infrared standard.

7. (Original) A hand-held electronic device according to Claim 1 wherein the Internet protocol format comprises at least one of HTML and/or XML.

8. (Original) A hand-held electronic device according to Claim 1 wherein the controller further provides at least one of a contacts database, a calendar, an e-mail transmitter/receiver, a digital music player, a task list, and/or a wireless internet browser.

9. (Original) A hand-held electronic device according to Claim 1 wherein the image data comprises a slide presentation.

10. (Original) An electronic display device comprising:
a display configured to display electronic data;
an Internet protocol browser, wherein the Internet protocol browser is configured to receive image data and pointer commands from a hand-held electronic device without a wired coupling to the hand-held electronic device, wherein the image data is received at the Internet protocol browser in an Internet protocol format, and wherein the Internet protocol browser is configured to provide the image data visually using the display responsive to the pointer commands from the hand-held electronic device.

11. (Original) An electronic display device according to Claim 10 wherein the display comprises at least one of a monitor and/or a projector.

12. (Original) An electronic display device according to Claim 10 wherein the pointer commands are received at the Internet protocol browser in the Internet protocol format.

13. (Original) An electronic display device according to Claim 10 wherein the pointer commands are received at the Internet protocol browser in a format other than the Internet protocol format.

14. (Original) An electronic display device according to Claim 10 wherein the Internet protocol format comprises at least one of HTML and/or XML.

15. (Original) An electronic display device according to Claim 10 wherein the image data comprises a slide presentation.

16. (Previously Presented) A method of providing a visual presentation using a hand-held electronic device, the method comprising:

storing image data within the hand-held electronic device;

providing the image data in an Internet protocol format;

transmitting the image data over a wireless link to a remote electronic display in the Internet protocol format;

accepting user input of pointer commands; and

transmitting the pointer commands over the wireless link to the remote electronic display.

17. (Canceled)

18. (Previously Presented) A method according to Claim 16 wherein the pointer commands are transmitted in the Internet protocol format.

19. (Previously Presented) A method according to Claim 16 wherein the pointer commands are transmitted in a format other than the Internet protocol format.

20. (Original) A method according to Claim 16 wherein the image data is transmitted using a short range protocol, the method further comprising:
providing long-range wireless communications.

21. (Original) A method according to Claim 16 wherein transmitting the image data comprises transmitting the image data using at least one of a WiFi standard, a BlueTooth

standard, and/or an infrared standard.

22. (Original) A method according to Claim 16 wherein the Internet protocol format comprises at least one of HTML and/or XML.

23. (Original) A method according to Claim 16 further comprising:
providing at least one of a contacts database, a calendar, an e-mail transmitter/receiver, a digital music player, a task list, and/or a wireless internet browser.

24. (Original) A method according to Claim 16 wherein the image data comprises a slide presentation.

25. (Original) A method of operating an electronic display device, the method comprising:

receiving image data and pointer commands from a hand-held electronic device without a wired coupling to the hand-held electronic device, wherein the image data is received in an Internet protocol format; and
providing the image data visually responsive to the pointer commands.

26. (Original) A method according to Claim 25 wherein providing the image data comprises providing the image data using at least one of a monitor and/or a projector.

27. (Original) A method according to Claim 25 wherein the pointer commands are received at the Internet protocol browser in the Internet protocol format.

28. (Original) A method according to Claim 25 wherein the pointer commands are received at the Internet protocol browser in a format other than the Internet protocol format.

29. (Original) A method according to Claim 25 wherein the Internet protocol format comprises at least one of HTML and/or XML.

30. (Original) A method according to Claim 25 wherein the image data comprises a slide presentation.

31. (Previously Presented) A hand-held electronic device according to Claim 1 wherein the transmitter is configured to provide the wireless link with the remote electronic display including an Internet protocol browser, wherein the pointer commands are used to control a pointer function of the Internet protocol browser of the remote electronic display, and wherein the controller and transmitter are configured to transmit the pointer commands over the wireless link to the remote electronic display to control the pointer function of the Internet protocol browser.

32. (Previously Presented) A hand held electronic device according to Claim 31 wherein the controller is configured to act as a server with respect to the browser of the remote electronic display acting as a client.

33. (Previously Presented) An electronic display device according to Claim 10 wherein the pointer commands are used to control a pointer function of the Internet protocol browser.

34. (Previously Presented) An electronic display device according to Claim 33 wherein the browser is configured to act as a client with respect to a controller of the hand held electronic device acting as a server.

35. (Previously Presented) A method according to Claim 16 wherein the remote electronic display includes an Internet protocol browser, wherein the pointer commands are used to control a pointer function of the Internet protocol browser of the remote electronic device, and wherein the pointer commands are transmitted over the wireless link to the remote electronic display to control the pointer function of the Internet protocol browser.

36. (Previously Presented) A method according to Claim 35 wherein the hand held electronic device is configured to act as a server with respect to the browser of the remote

electronic display acting as a client.

37. (Previously Presented) A method according to Claim 25 wherein the electronic display device includes an Internet protocol browser, and wherein the pointer commands are used to control a pointer function of an Internet protocol browser of the electronic display device.

38. (Previously Presented) A method according to Claim 37 wherein the Internet protocol browser is configured to act as a client with respect to a controller of the hand held electronic device acting as a server.

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APPENDIX B – EVIDENCE APPENDIX

(NONE)

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APPENDIX C – RELATED PROCEEDINGS

(NONE)